

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
705 WEST P 1: 08

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UNITED STATES OF AMERICA,)

vs.)

ALEXIS MORALES,)

Defendant)
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CRIMINAL ACTION

NO. 04-40019-FDS

**DEFENDANT'S MOTION FOR LEAVE TO SUPPLEMENT
RECORD ON MOTION TO SUPPRESS**

Now comes the Defendant in the above entitled matter and moves this Honorable Court for leave to potentially supplement the Records or in the alternative move to reopen the Defendant's motion to suppress. As grounds thereof the Defendant would assert that in its Order and Memorandum denying the Defendant's Motion to Suppress the Court found that "the view and demonstration were not a scientific re-creation of the conditions as they existed on Laurel Street on June 7, 2004." (Order pg. 15). The Defendant initially would object to the Court's ruling as impermissibly shifting the burden of production to the Defendant in violation of his rights under the U.S. Constitution.

In addition, given this ruling, the Defendant would seek an opportunity to present to the Court various options regarding a more "scientific re-creation." (Order pg. 14-15).¹ At present Counsel has not had sufficient time to explore whether a recreation at the scene in the near future

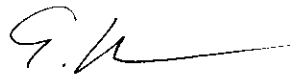
¹ The Court noted several factors which the Court felt needed to be presented at the motion to suppress including: the height of the sun in the sky at 7:20 p.m. on June 7, the presence or absence of any cloud cover, any sources of reflected light, or any sources of artificial light inside or outside the car, the precise relationship and angle of both vehicles to the sun and more evidence regarding buildings or trees in the area that may or may not have cast shadows on the street.

would could be done to satisfy some of the Court concerns regarding the “combination of light, shadow, and reflection that occurred as the two vehicles passed one another.” (Order pg. 14). Furthermore, Counsel would request this additional time to determine if there exists a witness who could provide the “scientific or technical expert testimony” which the Court referenced. (Order pg. 15).

Counsel would request at least 21 days to determine if such a recreation is possible and to present the possible scenarios to The Government and the Court for its consideration.

ALEXIS MORALES

By his attorney



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